

## CHAPTER 1: INTRODUCTION

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*California is blessed with spectacular resources along its entire 1,100 mile coast. The ocean serves as a source of food, recreation, and energy resources, and provides a critical transportation link between California and other states and nations. As California moves toward the 21st century, its expanding population, enhanced cultural diversity, and growing economic base will continue to place additional demands on the State's ocean and coastal resources, making management of these resources increasingly complex.*

*A broad and complicated set of laws, regulations, and specific designations have been developed over time to protect and manage these ocean resources, although such measures were developed without the assistance of a comprehensive planning and management approach. California's Ocean Resources: An Agenda for the Future helps provide this assistance; it describes California's ocean ecosystem, identifies the contribution of selected ocean-dependent industries to the California economy, summarizes the statutes and agency management roles that relate to ocean management, and identifies a mission and four goals for the State to pursue. The Agenda also analyzes nine major ocean resource management issues, offers specific recommendations for addressing these issues, and provides an approach for the Governor, the Legislature, government agencies, industry, and the public to use in improving the management of California's precious ocean and coastal resources.*

## MAJOR DEVELOPMENTS IN OCEAN GOVERNANCE

Government and academia have attempted over the years to initiate comprehensive management approaches for maintaining, enhancing, restoring or using California's ocean resources. During each of these efforts, advancements have been made in the way the State approaches a wide variety of complex ocean management issues. However, like the management of any natural resource, ocean resource management must evolve with the changing needs of society, new developments in technology, and improved information regarding marine systems and the impact of human activities on those systems. *California's Ocean Resources: An Agenda for the Future* (Agenda) is a result of the Legislature and Governor recognizing that California must re-evaluate past initiatives and develop new goals and strategies for managing its precious ocean resources.

California is not alone in recognizing this need. Many local governments, states and nations have realized the important role oceans play in world-wide weather patterns, trans-national trade and commerce, tourism, recreation, and fisheries. Most importantly, there is recognition that international cooperation is imperative; how we manage our ocean and coastal resources in California can and does have an impact on such resources in other states and nations. This global perspective of ocean and coastal resource management is relatively recent, but it plays a significant role in understanding the need for an ocean policy agenda within the State of California.

Although California has been involved in issue specific ocean management activities for over 100 years, efforts to establish *comprehensive* management regimes really began in the last 30 years. This Agenda builds on these previous planning, coordination, and research efforts. Some of the major developments in California's efforts to manage its ocean resources include:

- 1964 The Governor's Conference on California and the World Ocean, held in Los Angeles to discuss the emerging issues surrounding ocean management.

- 1965 The first Governor's Advisory Commission on Ocean Resources (GACOR I), formed to advise the Governor and Legislature on developing State approaches to managing ocean resources.
- 1965 A comprehensive report, *California and the Use of the Ocean*, prepared by the University of California's Institute of Marine Resources (IMR). In preparing the report, the IMR assembled a team of experts to identify, evaluate, and make recommendations on methods to address wide-ranging technical ocean management issues.
- 1965 The McAteer-Petris Act, passed by the State Legislature, created the San Francisco Bay Conservation and Development Commission as a temporary commission.
- 1966 The Resources Agency Committee on Ocean Resources (RACOR), established as a working committee. The Committee produced the 1966 report *California and the Ocean* to provide the first state agency approach to coordinating ocean management activities.
- 1967 The Governor's Advisory Commission on Ocean Resources, re-appointed by the new Governor, known as GACOR II.
- 1967 The Marine Resources Conservation and Development Act, passed by the State Legislature, which required the Governor to prepare a Comprehensive Ocean Area Plan (COAP). The Act also mandated creation of the California Advisory Commission on Marine and Coastal Resources (CMC), superseding the GACOR II.
- 1969 The Department of Navigation and Ocean Development, established and given the responsibility to produce the COAP.
- 1969 The McAteer-Petris Act, amended to make the San Francisco Bay Conservation and Development Commission a permanent State commission.
- 1972 The COAP, which provided valuable information regarding the status of California's coastal and ocean resources, and made recommendations for their management.
- 1972 Proposition 20, which created the California Coastal Zone Conservation Commission. The California ocean area planning process was transferred to this Commission and used to help guide early management activities. The CMC was disbanded.
- 1973 The Marine Resources Conservation and Development Act of 1967, repealed by the Legislature.
- 1975 The *California Coastal Plan*, published by the California Coastal Zone Conservation Commission, which provided much of the policy basis for the subsequent passage of the California Coastal Act.
- 1976 The California Coastal Act of 1976, passed by the State Legislature, which created the California Coastal Commission.
- 1978 The ocean segment of the California Coastal Management Program, certified in 1977 by the federal Office of Coastal Zone Management pursuant to the Coastal Zone Management Act, activated after an unsuccessful legal challenge by the Western Oil and Gas Association.
- 1978 The San Francisco Bay segment of the California Coastal Management Program, certified by the federal Office of Coastal Zone Management.

- 1982 The Asilomar Ocean Study Conference in Pacific Grove, which assembled key government, public, and private interests to evaluate and recommend future options for ocean management.
- 1988 Statewide workshop to discuss ocean-related management responsibilities and planning activities, sponsored by the Resources Agency of California with State agencies and departments in response to legislation (Chapter 1079, Stats.1988). The workshop and resulting report were intended to facilitate efficiency and coordination between State agencies in statewide ocean planning and activities.
- 1989 AB 2000 (The California Ocean Resources Management Act, Chapter 1215, Stats.1989), which required the Secretary for Environmental Affairs to prepare a report on ocean management in California. The funding for this effort was discontinued and the report never completed.
- 1991 AB 205 (Chapter 1027, Stats.1991), which amended the requirements of AB 2000 and mandated the creation of an ocean resources management report and plan. Responsibility for creating the plan and taking the lead on ocean resource management issues was transferred to the Secretary for Resources. *California's Ocean Resources: An Agenda for the Future* has been prepared to comply with these requirements and to guide the California Ocean Resources Management Program.
- 1993 The Resources Agency of California received funding, hired staff, and began developing *California's Ocean Resources: An Agenda for the Future*.
- 1995 *California's Ocean Resources: An Agenda for the Future* (Draft), released by the Resources Agency of California for review and comment.
- 1997 *California's Ocean Resources: An Agenda for the Future* (Final), released by the Resources Agency of California, which begins implementing specific recommendations.
- 1997 *California and the World Ocean '97*, an international conference held in San Diego and organized by the Resources Agency of California, in cooperation with the Coastal Zone Foundation and other sponsors. Conference reviews and suggests approaches to implementing the recommendations of *California's Ocean Resources: An Agenda for the Future*, to achieve the mission and goals of the California Ocean Resources Management Program.

## CALIFORNIA OCEAN RESOURCES MANAGEMENT ACT

Development of this Agenda is the most recent effort to improve the management of California's ocean resources. The following provides a brief summary of the California Ocean Resources Management Act (PRC Section 36000 et seq.) which calls for the preparation of this document (the full text is included as Appendix A).

### Legislative Purpose

The Legislature declared that it is the policy of the State of California to:

- develop and maintain an ocean resources planning and management program to promote and ensure coordinated management of federal and State resources, and to ensure coordination with adjacent states;
- ensure effective participation in federal planning and management of ocean resources and uses which may affect this State; and

- coordinate state agency management of ocean resources with local government management of coastal zone uses and resources above the mean high tide line.

The Legislature also declared that the purpose of the California Ocean Resources Management Program is to ensure the conservation and development of ocean resources through coordination of ocean resources planning and management. To assist in this coordination, the State is authorized to participate with the states of Alaska, Hawaii, Oregon, and Washington in a joint liaison program with the National Oceanic and Atmospheric Administration.

## **Legislative Findings**

The Legislature found that the Pacific Ocean and its resources are important to the people of California and the nation. The Legislature also found that there are increased challenges to managing and benefiting from California's ocean resources as a result of new developments in technology, the establishment of new offshore jurisdictions (exclusive economic zone and territorial sea), the need to resolve conflicting demands on ocean resources, and the need to approach these issues in an informed and balanced manner. The findings emphasize the need to develop a framework of statewide management responsibilities and objectives in cooperation with appropriate federal, State, and local agencies to guide the protection, conservation, and development of ocean resources. In addition, the Legislature found and declared that it is the policy of the State of California to assess the long-term values and benefits of conserving and developing ocean resources and uses, with the objective of restoring and maintaining ocean ecosystem health through proper management of resources.

## **Ocean Program Delegation**

The 1991 amendments to the California Ocean Resources Management Act (CORMA) transferred responsibility for all nonstatutory marine and coastal resource management programs to the Secretary for Resources. Duties and responsibilities transferred include all executive branch delegations regarding review and coordination of federal outer continental shelf (OCS) oil and gas lease sales and development projects; policy coordination of resources management and uses in the exclusive economic zone (EEZ); State representation on the Coastal States Organization and the Department of the Interior's OCS Policy Committee; and any other involvement in marine and coastal resource matters. The CORMA also requires that adequate staff support be made available through the Resources Agency to administer these programs. While the authority for a majority of ocean management issues rests with the Resources Agency, the California Environmental Protection Agency oversees development of ocean water quality standards and regulation of waste discharges to the marine environment.

## **Report and Plan Requirements**

The CORMA requires the Resources Agency to prepare an ocean resources report regarding existing ocean resources management activities and impacts, and a plan to increase coordination and minimize duplication of ocean resources management activities. The plan shall:

- inventory and analyze State and federal laws, rules, regulations, authorities and programs which pertain to the resources, uses, and ecosystem health of State and federal waters, and especially those that conflict with one another;
- identify existing and potential resources and uses of, and issues pertaining to, the ocean, and potential new industries or jobs that would be related to use or development of these resources;
- identify potential impacts of ocean activities on State or federal waters and on coastal areas above the mean high tide line, including an evaluation of the State's ability to manage those impacts;

- identify all existing State and federal programs relating to pollution research and monitoring, including general research on the ocean ecosystem; and
- evaluate management tools, such as the use of computerized mapping of existing conditions, uses, and resources in State and federal waters.

The CORMA also requires the Resources Agency to:

- develop long-term plans for the conservation and management of ocean resources and uses;
- develop plans for the management of California's interests in federal waters, including recommendations to develop or improve state agency programs relating to the management of ocean resources, and identifying issues which may affect local government coastal programs;
- improve the role of the State as a leader in programs for marine education, research, training, and management;
- make recommendations for State-supported marine research; and
- address methods for cooperating with other states, the federal government, other nations, and private organizations involved in marine science activities.

Other requirements include identifying options for ensuring appropriate public infrastructure investment to support present and future ocean industries; identifying alternative dispute management and resolution processes for resource conflicts in and between State and federal jurisdictions, and a proposed framework for managing future conflicts; identifying alternatives for joint management activities and revenue sharing in State and federal waters; and making recommendations for implementing legislation, if any.

## OCEAN PLANNING PROCESS

The CORMA contains extensive findings regarding the value of, and the need to effectively manage, California's ocean resources. Mandatory requirements of the CORMA emphasize interagency coordination and cooperation in developing a comprehensive approach to ocean management.

### State Interagency Ocean Advisory Committee

The State Interagency Ocean Advisory Committee was created to help the Resources Agency evaluate major policy issues and to help develop this Agenda. Agencies represented on the committee have assisted by providing much of the technical data, writing sections, and reviewing drafts. The committee includes representatives from the following state agencies:

- ***Resources Agency of California***
  - California Coastal Commission
  - Department of Boating and Waterways
  - Department of Conservation
  - Department of Fish and Game
  - Department of Parks and Recreation
  - Department of Water Resources
  - Energy Resources, Conservation and Development Commission
  - Office of Oil Spill Prevention and Response
  - San Francisco Bay Conservation and Development Commission
  - State Coastal Conservancy

- State Lands Commission
- **California Environmental Protection Agency**
  - State Water Resources Control Board
- **Other Agencies**
  - California Business, Transportation, and Housing Agency
  - California Research Bureau
  - California Trade and Commerce Agency
  - Office of the Attorney General

## **California Ocean Resources Agenda Development**

Development of this Agenda has followed a systematic process, consisting of six phases.

**Phase 1 - Workplan Development.** A draft workplan was developed and distributed to federal, State, and local agencies, the public, and various ocean industry representatives for review and comment. On April 28, 1993, after thorough review and consideration of the comments received, the workplan was finalized and distributed.

**Phase 2 - Issue Summary Development and Public Outreach.** A detailed issue analysis was released in September 1993 titled, *Summary of Issues for the Development of the California Ocean Resources Management Plan*. This document included a summary and discussion of ocean management issues facing the State of California now and in the reasonably foreseeable future. Each issue discussion included a set of potential policy options intended to focus comments and discussion on possible ocean management strategies. Widely distributed, this document was used as a focus for discussions at public workshops held in November of 1993 in San Diego, Long Beach, Santa Barbara, Monterey, Fort Bragg, and Sausalito. In addition, the Assembly Select Committee on Marine Resources held an oversight hearing at Scripps Institution of Oceanography which included a full day of public testimony. The Resources Agency also presented the planning approach to the Joint Committee on Fisheries and Aquaculture, the Ocean Subcommittee of the Western Legislative Conference, the Marine Board of the National Research Council, and the International Ocean Governance Study Group (includes representatives of international, national, state, and local government, industry groups, non-profit agencies, and academia).

**Phase 3 - Evaluation of Comments.** The third phase of Agenda development was to evaluate the verbal and over 100 sets of written comments resulting from the workshops, legislative hearings, and other presentations. The verbal and written comments provided invaluable information.

**Phase 4 - Draft Publication and Review.** The fourth phase of the planning process was the publication of a draft Agenda in July 1995. Public meetings were held in August 1995 in Eureka, Sausalito, Seaside, Huntington Beach, and San Diego to receive verbal and written comments. Over 225 people attended the public meetings and approximately 100 sets of written comments were received on the draft Agenda.

**Phase 5 - Final Publication.** Based on additional analyses to address the extensive verbal and written comments received, and a final round of state agency review, the Agenda is revised and submitted to the Legislature.

**Phase 6 - Agenda Implementation.** Upon publication of this final Agenda, administrative, legislative, or partnership approaches will be used, as appropriate, to implement the specific recommendations outlined. Identified goals for California's Ocean Resources Management Program are applied to the ocean resource issue analyses of Chapter 5 in making the specific recommendations.

The Agenda itself is advisory only and not enforceable; implementation must occur through administrative action, executive order, or legislation. Administrative actions are already being used to pursue several of the identified goals. Examples include creating a marine geographic information system for the California coast, beginning with a pilot study in the Monterey Bay Area; maintaining key water quality monitoring and research efforts (threatened by budget cuts), such as the Mussel Watch and Toxic Substances Monitoring programs; evaluating the State's marine research goals using the Resources Agency Sea Grant Advisory Panel; and improving decision-making through new approaches, such as the integrated coastal management process being used to produce the Monterey Bay Water Quality Protection Plan.

## MOVING FORWARD IN OCEAN MANAGEMENT

California has been pursuing the goal of comprehensive ocean and coastal resource management in one form or another since 1964. However, these efforts have been marked by a series of starts and stops which have precluded the establishment of a comprehensive management system. Each effort has produced recommendations for improved approaches to a variety of ocean management issues; some have been implemented, others have not. In the absence of a comprehensive system, California has most often responded by creating new legislative or administrative approaches to address individual management issues. This Agenda addresses the larger picture by making specific recommendations for achieving four ocean management goals and by recommending a process to facilitate more efficient and effective coordination of California's efforts to manage the resources which lie off its coastline.

### California Ocean Resources Management Program

The Resources Agency is charged by the Legislature and Governor in the CORMA to develop a strategy which addresses both short-term and long-term management of California's ocean resources. The legislative declarations within the CORMA and the testimony, written comments, and many discussions regarding development of this Agenda were used to establish a mission statement and goals for the California Ocean Resources Management Program.

***Mission.*** *To ensure comprehensive and coordinated management, conservation and enhancement of California's ocean resources for their intrinsic value and for the benefit of current and future generations.*

***Goals.*** Four goals have been established to guide the California Ocean Resources Management Program in realizing this mission.

*Goal 1: Stewardship. To assess, conserve, restore, and manage California's ocean resources and the ocean ecosystem.*

For the purposes of this Agenda, four major resource zones are identified in California's ocean ecosystem which sustain California's ocean and coastal resources. At least nine major management issues arise in sustaining these resources in both the short-term and long-term. Effective management requires development of a comprehensive inventory of resources, habitats, and other features that make up the ocean ecosystem.

*Goal 2: Economic Sustainability. To encourage environmentally sound, sustainable, and economically beneficial ocean resource development activities.*

Seven major ocean-dependent industries in California have been evaluated to determine their economic contribution to the State and regional economies. This information is critical for placing the economic uses of ocean resources in the proper context with regard to stewardship responsibilities.

*Goal 3: Research, Education and Technology. To advance research, education programs, and technology developments to meet future needs and uses of the ocean.*

A multitude of research initiatives, education programs, and new technology developments exist relating to California's ocean resources and ecosystem. However, there is a need for developing comprehensive inventories and conducting analyses of such initiatives, programs, and technologies to identify the State's most important priorities.

*Goal 4: Jurisdiction and Ownership. To maximize California's interests within State Tidelands, the territorial sea, and the exclusive economic zone.*

There are numerous local, State, and federal entities with ownership of, or jurisdiction over, ocean resources in California. A comprehensive management approach is needed to address cross-jurisdictional management issues affecting California's ocean and coastal waters.

These goals could be achieved through a mix of government, private sector, or public/private partnership arrangements, but in all cases, can only be achieved through cooperative efforts and understanding among the diverse group of stakeholders desiring to protect or use California's ocean resources. The mission statement and goals provide a foundation and direction for ocean resource management in California well into the next century. The goals are consistent with existing law and policy, but provide a more comprehensive approach and vision regarding the future of our ocean.

The analyses in this report evaluate many, but certainly not all, ocean management issues facing California and provide recommendations to help achieve the stated goals. Given the scope and funding of this effort, it is not possible to identify and discuss all of California's ocean management issues in the context of a single document. However, this Agenda does focus on many of the most critical issues. Moreover, it is structured so as to establish a process to address any ocean management issue, regardless of whether it is specifically called out here.

It is critical that implementation of this Agenda rely on a "bottom-up" approach, based as much as possible on the advice and recommendations of the interested public, private, and government parties (or "stakeholders") who work with these issues on a regular basis. The State should rely on the advice of existing government and private sector working groups as often as possible to better understand and address such complex issues as habitat protection, water pollution, oil and gas development, and port development and mitigation. However, the challenge will be to timely coordinate the findings and recommendations of these groups, integrating them with related statewide ocean management policies and goals.